

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DONALD CALVIN,

Plaintiff,

v.

JERI BOE, et al.,

Defendants.

Case No. C22-5217-RSM-BAT

ORDER DENYING MOTION FOR  
EXTENSION OF TIME AND  
DISMISSING CASE

This matter comes before the Court on Plaintiff Donald Calvin's "Motion for Extension of Time for Filing of Amended Complaint." Dkt. #36. The Court has determined that it can rule on this Motion without the need for responsive briefing.

This case was remanded from the Ninth Circuit back in August and Plaintiff Calvin was ordered to file an amended complaint by September 23, 2024. *See* Dkt. #23. Plaintiff requested an extension and the Court pushed out the deadline to November 25, 2024. Dkt. #25. On October 24, 2024, Plaintiff was "reminded that if he fails to file an amended complaint on or before November 25, 2024, the [Court] will recommend dismissal of this case." Dkt. #29.

Plaintiff did not file an amended complaint by this deadline, instead filing the instant Motion on November 25, 2024. He states that he cannot file the amended complaint because he was attacked again by a fellow prisoner on November 4, 2024. Dkt. #36 at 1. He asks for an extension of sixty additional days to file the amended complaint. *Id.* at 2. In the alternative,

1 he “asks the Court to dismiss without prejudice” so that he can file again at some future date.  
2 *Id.*

3 Plaintiff offers no explanation for why he was unable to file an amended complaint  
4 prior to this latest attack and his subsequent health issues. The Court finds Plaintiff has failed  
5 to demonstrate sufficient good cause for another extension of the deadline to amend and that  
6 his alternative request for dismissal without prejudice is warranted.  
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8 Accordingly, the Court hereby FINDS AND ORDERS that Plaintiff’s Motion, Dkt.  
9 #36, is DENIED. Plaintiff’s claims are DISMISSED without prejudice. This case is CLOSED.

10 DATED this 9<sup>th</sup> day of December, 2024.

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14 RICARDO S. MARTINEZ  
15 UNITED STATES DISTRICT JUDGE  
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